



House of Representatives

General Assembly

File No. 20

January Session, 2003

House Bill No. 5101

House of Representatives, March 14, 2003

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE PENALTY FOR ASSAULT OF CIVILIAN DETENTION OFFICERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-167c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) A person is guilty of assault of public safety or emergency
4 medical personnel when, with intent to prevent a reasonably
5 identifiable peace officer, firefighter or employee of an emergency
6 medical service organization, as defined in section 53a-3, emergency
7 room physician or nurse, employee of the Department of Correction,
8 employee or member of the Board of Parole, probation officer,
9 employee of the judicial branch assigned to provide pretrial secure
10 detention and programming services to juveniles accused of the
11 commission of a delinquent act, [or] employee of the Department of
12 Children and Families assigned to provide direct services to children
13 and youth in the care or custody of the department or employee of a

14 municipal police department assigned to provide security at the police
 15 department's lockup and holding facility from performing his or her
 16 duties, and while such peace officer, [fireman] firefighter, employee,
 17 physician, nurse, member or probation officer is acting in the
 18 performance of his or her duties, (1) such person causes physical injury
 19 to such peace officer, firefighter, employee, physician, nurse, member
 20 or probation officer, or (2) such person throws or hurls, or causes to be
 21 thrown or hurled, any rock, bottle, can or other article, object or missile
 22 of any kind capable of causing physical harm, damage or injury, at
 23 such peace officer, firefighter, employee, physician, nurse, member or
 24 probation officer, or (3) such person uses or causes to be used any
 25 mace, tear gas or any like or similar deleterious agent against such
 26 peace officer, firefighter, employee, physician, nurse, member or
 27 probation officer, or (4) such person throws or hurls, or causes to be
 28 thrown or hurled, any paint, dye or other like or similar staining,
 29 discoloring or coloring agent or any type of offensive or noxious
 30 liquid, agent or substance at such peace officer, firefighter, employee,
 31 physician, nurse, member or probation officer, or (5) such person
 32 throws or hurls, or causes to be thrown or hurled, any bodily fluid
 33 including, but not limited to, urine, feces, blood or saliva at such peace
 34 officer, firefighter, employee, physician, nurse, member or probation
 35 officer.

36 (b) Assault of public safety or emergency medical personnel is a
 37 class C felony. If any person who is confined in an institution or facility
 38 of the Department of Correction is sentenced to a term of
 39 imprisonment for assault of an employee of the Department of
 40 Correction under this section, such term shall run consecutively to the
 41 term for which the person was serving at the time of the assault.

This act shall take effect as follows:	
Section 1	October 1, 2003

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Correction, Dept.	GF - Cost	Potential	Potential
Judicial Dept.	GF - Potential Revenue Gain	Less than \$5,000	Less than \$5,000
Criminal Justice, Div.	GF - None	None	None
Pub. Defender Serv. Com.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill would result in a cost to the criminal justice system by increasing the penalty for assault of civilian detention officers. Assaults of civilian detention officers are not common in Connecticut because most local police departments do not use civilian detention officers, except for the use of matrons for female prisoners.

Currently, assault of a civilian detention officer could be a class A misdemeanor which is punishable by up to one year imprisonment and up to a \$2,000 fine or a class B misdemeanor which is punishable by up to six months imprisonment and up to a \$1,000 fine. The bill would make such activity a class C felony which is punishable by one to ten years imprisonment and up to a \$10,000 fine. Therefore, an offender under the bill could face a maximum sentence that is up to ten times longer and a fine that is up to five times higher than under current law. To the extent that offenders receive longer sentences, a potential cost would result.

Based on the state's average daily inmate cost, the cumulative cost of sentencing someone to ten years of incarceration instead of one year would be \$273,800. There would likely not be a revenue gain from the

increase in fines since fines are not commonly imposed and collected for these crimes. In 2002, there were 1,110 offenses and 411 convictions under current law (CGS Section 53a-167c) involving assaults of public safety and emergency medical personnel; only \$21,600 was imposed in fines. The workload increase associated with adjudicating the limited number of offenses subject to enhanced penalties under the bill as felonies rather than misdemeanors will not require additional appropriations for state prosecutors, public defenders, or the courts.

Background

There are currently 89 municipalities with organized police departments. While it is not known how many civilians work in police holding cell areas, OFA estimates about 100. Most would be matrons, who are required in police departments in municipalities with a population of over 20,000 (per CGS Section 7-286). Such personnel take charge of all women who are arrested and held by the police. Fifty-one (51) of the 91 organized municipal police departments are in municipalities with a population over 20,000. There could also be other civilians working in the holding cell areas in these departments, and in holding cell areas in police departments in smaller towns. Not all police departments may have holding cells.

OLR Bill Analysis

HB 5101

AN ACT CONCERNING THE PENALTY FOR ASSAULT OF CIVILIAN DETENTION OFFICERS**SUMMARY:**

This bill makes an enhanced penalty that currently applies to assaults on public safety and emergency medical personnel apply also to assaults on reasonably identifiable civilian municipal police department employees when they are providing security at the department's lockup and holding facility. The actor must intend to prevent the employee from performing his job and (1) injure him; (2) throw potentially harmful objects, offensive substances like paint or dye, or bodily fluids at him; or (3) use gas, mace, or similar substances.

The bill makes the assaults class C felonies, punishable by imprisonment for one to 10 years, a fine of up to \$10,000, or both. Depending on the specific activity, they are currently either class A or class B misdemeanors.

It is already a class C felony to commit these acts against peace officers, firefighters, emergency medical service personnel, emergency room physicians and nurses, Department of Correction employees, Board of Parole members and employees, probation officers, Judicial Department employees providing pretrial secure detention or programming services to delinquent children, and some Department of Children and Families employees.

EFFECTIVE DATE: October 1, 2003

BACKGROUND***Class A and B Misdemeanors***

Class A misdemeanors are punishable by up to one year's imprisonment, a fine of up to \$2,000, or both. Class B misdemeanors are punishable by up to six months' imprisonment, a fine of up to \$1,000, or both.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 35 Nay 4